

F/YR12/0095/F

7 February 2012

Applicant : Mr S Sarilmaz

Agent : E Ozan

25 Broad Street, March, Cambridgeshire, PE15 8TP

Change of use from A1 (Shops) to A3 (Restaurants and Cafes)

---

This proposal is before the Planning Committee at the request of Cllr Yeulett as he considers it will have a positive impact on the retail frontage of Broad Street particularly when the number of shops lying empty not only in March but across Fenland and nationally is harming the built environment and is restricting opportunities for shoppers and the local economy

This application is a minor application.

1. **SITE DESCRIPTION**

25 Broad Street is a vacant A1 retail shop unit that was previously occupied by Cancer Research UK. The shop lies within the March Conservation Area and is inside the Commercial Area Boundary. The shop is also located along the Primary Shopping Frontage for March.

2. **HISTORY**

Of relevance to this proposal is:

- F/YR11/0861/F - Change of use from A1 to A3 – withdrawn – 23 December 2011
- F/YR11/0874/A - Display of 1 No. internally illuminated sign – withdrawn – 23 December 2011
- F/94/0449/F - Installation of new shop front – granted 25 October 1994

3. **CONSULTATIONS**

**Parish/Town Council:**

Recommend approval

**Local Highway Authority (CCC):**

No objection

**Conservation Officer (FDC):**

No objection in principle on the basis that there are no external changes proposed (other than signage)

**Environmental Protection (FDC):**

The proposed noise and odour absorption unit intended to be installed meets the requirements of Environmental Health. However a condition should be imposed so that the odour and noise absorption unit is installed correctly and effectively to the satisfaction of the Environmental Health Dept before the opening of the café.

***Safer Fenland Manager:***

No apparent crime and disorder issues

***Local residents/interested parties:***

Petition of 460 signatures from the following outlets:

March Kebab & Pizza

Jenny's Lunchbox

Johanna's Café

Julies's Bakery

USA Chicken

Mullers Cafe

Barn Restaurant – its very difficult for local businesses to survive; considers that 43 other food outlets in the town is sufficient; should encourage retail stores to take up empty shops

March Kebab & Pizza Ltd – considers meticulous consideration needs to be given to this application; business would experience real dilemma during the busiest times of the day; does not agree that there is a further demand; does not agree it will support the day time activity of town; already a further 43 food outlets in the town; could result in having to make staff redundant; a previous application at the former freezer centre was refused due to impact on existing food establishments; the Council should encourage innovative, exhilarating, small, unique businesses to March not chain stores; it is likely staff will be brought in from other towns; once permission given could then become an A5 use; strongly oppose any additional type of eating establishments within or around the March area; the integrity of the current business would come under serious threat.

USA Chicken – acknowledges that March requires additional shops but this type of business is not in the best interest of the town; business will result in a loss of existing customers; shops should be for general shopping only.

Chef Peking – a new business may well instigate a genuine problem especially in the evening; originally opposed the previous application at the freezer centre in March which was refused; March does not need additional food outlets; the Council needs to work with small establishments to encourage the public to return to the town.

Muller Café – opposes application; worried about effect on existing trade; more than enough outlets in and around the town with around 10 plus places already in the direct vicinity of the business.

Johannas Café – there are already a number of other cafes and restaurants in the vicinity; the area is already over saturated with cafes and food businesses which are already struggling.

#### 4. POLICY FRAMEWORK

##### FDWLP Policy

- |    |   |
|----|---|
| S3 | - The introduction or expansion of non-shopping uses at ground floor level within Primary Shopping Frontages will not normally be allowed.  |
| E8 | - Proposals for new development should: <ul style="list-style-type: none"> <li>- allow for protection of site features;</li> <li>- have regard to amenities of adjoining properties;</li> <li>- provide adequate access.</li> </ul> |

##### Planning Policy Statements

- |      |  |
|------|--|
| PPS1 | - Delivering Sustainable Development       |
| PPS4 | - Planning for Sustainable Economic Growth |

## 5. ASSESSMENT

### ***Nature of Application***

This application seeks a change of use from A1 (shop) to A3 (restaurant and café) at 25 Broad Street, March.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Vitality and Viability
- Details of proposed use

### ***Site History***

This is an existing vacant retail shop unit located within the Primary Shopping Frontage of March. It was previously occupied by the Cancer Research Charity Shop and appears to have always remained in A1 use.

### ***Principle and Policy Implications***

The change of use of the shop from A1 retail to A3 café/restaurant falls to be determined within Local Plan Policy S3 together with guidance contained within PPS4 : Planning for Sustainable Economic Growth.

Policy S3 of the Local Plan states that proposals for the introduction of non shopping uses at ground floor within the Primary Shopping Frontages will not normally be allowed. Supporting text from the Local Plan states that “to retain the prime retail function of the town centre it is important to control the introduction of non-retail uses into those areas”. Para.4.20 also states that “many non-retail activities have a place within shopping centres ... and these uses can help to attract shoppers to the central area. The loss of retail uses, however, to the extent that non-retail uses become dominant would be unacceptable since it would seriously prejudice the shopping function of the town”.

PPS1, para 27 (v) seeks to provide access for all jobs, health, education, shop, leisure and community facilities .... on foot, bicycle or public transport. Para. (vi) focuses development in existing centres to promote their vitality and viability.

PPS4 seeks to promote competitive town centres and to provide consumer choice by supporting a diverse range of uses which appeal to a wide range of age and social groups, ensuring that these are distributed throughout the centre. It also seeks to retain and enhance existing markets ensuring that markets remain attractive and competitive within the centres.

The Council's emerging Core Strategy considers that March will grow by up to 5,500 dwellings, thus increasing its population. Significantly, therefore, the need is to ensure that there is a sufficient retail element available to incoming businesses and future residents in the most accessible locations, i.e. the town centre.

### ***Vitality and Viability***

In trying to determine the vitality of the town centre, consideration has to be given the diverse range of services available. The Primary Shopping Frontages within Fenland's Market Towns are identified areas that should be mainly protected from inappropriate forms of use whilst maintaining a relevant mix of retail and other uses.

Both the east and west side of Broad Street fall within the Primary Shopping Frontage which seeks essentially to protect A1 uses against change.

March is a typical market town where the pressures of out of town retailing results in competition between these uses and, therefore, it is important to maintain and enhance the present level of retail provision within the town. It is the objective of the Local Plan to control the introduction of non-retail uses within the town centre to maintain its primary retail function.

Broad Street is the main thoroughfare in the town of March, but is divided by a central parking area and can be seen as two distinct parts of the principle shopping street in the town. On the eastern side, where No.25 is located, there is a total of 17 units with 5 units not in retail use resulting in 29% of units used for other uses than A1. If this unit is changed from A1 to A3 this will bring the percentage of units not in retail use up to 35% which equates to 65% of the units only remaining in A1.

On the western side of Broad Street there are a total of 15 units with 60% of the units in uses other than A1 retail. Overall out of a total of 32 units, there will be only 53% of shops remaining in retail use in Broad Street which is part of the Primary Shopping Frontage.

The LPA acknowledges that there is a particularly low level of vacant units in Broad Street, with this particular unit only recently becoming vacant, demonstrating that the level of occupancy is healthy in general in March.

The LPA considers that the reason why there are very few vacant units in Broad Street is because of the protection afforded by the primary shopping frontage and the high level of different retailers in March making the area attractive to retailers. It is obviously desirable to ensure that empty shop units do not remain in town centres for any length of time and consideration will always be given to other uses to promote town centres and encourage their use. However, it is considered that to allow the change of this unit to A3 will have an adverse effect on the vitality and viability of the town centre.

The Local Plan does state that many non-retail activities have a place within town centres as long as they do not become dominant and as can be seen from the information above, it is considered that the combined amount of non retail uses in Broad Street is becoming a dominant factor.

### ***Details of proposed use***

It is proposed to open the café from 0700 hrs to 2000 hrs and it is stated that the business will provide employment for 5 people. The proposal will result in the need for an extractor flue at the rear of the premises which will exit below residential flats over No.25. Deliveries will be carried out from the rear of the café, off Mill View car park.

The Council's Environmental Health Department are satisfied with the proposed extraction unit, but suggests that its installation is examined prior to the opening of the café.

However, the flue is located below existing residential flats and no evidence has been provided to ensure that smell will not be a problem to the residents. Normally it would be expected that the flue would terminate beyond the eaves of the building and the flue shown is positioned below the windows of the flats. It has not been demonstrated that the flue, as shown, will not cause odour nuisance to the residents of the flats and, therefore, it could impact the residential amenity of the occupiers contrary to Policy E8 of the Local Plan.

### **Conclusion**

Town Centres need a critical mass of retail opportunities if they are to remain vibrant, whilst cafes and takeaways have a role in supporting the town centre they are ancillary to the offer of the town centre not a destination or draw in their own right. It is acknowledged that locally suggestions have been muted with regard to town centres being likely to contract in the future in response to changing lifestyles and shopping habits, nevertheless the principle shopping areas of March, and their inclusion within the primary shopping frontage, suggest that a concerted effort should be made to protect the central core from an over proliferation of non-shopping uses.

Whilst what constitutes 'dominant' is a subjective assessment, Officers consider that the use proposed in the location identified will have a negative effect on the principle shopping area and should be resisted. Whilst Officers are keen to see the premises brought back into active use it is not considered that this should be to the cost of Broad Street through diluting the 'amount' of retail offer; or indeed local consumers - through reducing choice and shopping opportunities.

In the Department for Business Innovation and Skills – Healthy High Street Publication 'Diverse consumer offer' is highlighted as a key sign of a healthy shopping area. It suggests that stakeholders in the town centre should ascertain whether their town centres have enough diversity on offer to meet consumer requirements and expectations, noting that a narrowing of the offer can impact on high street health. It is acknowledged that often people visit a town centre with a specific purpose or destination in mind; and if it disappears, so will most of its customers.

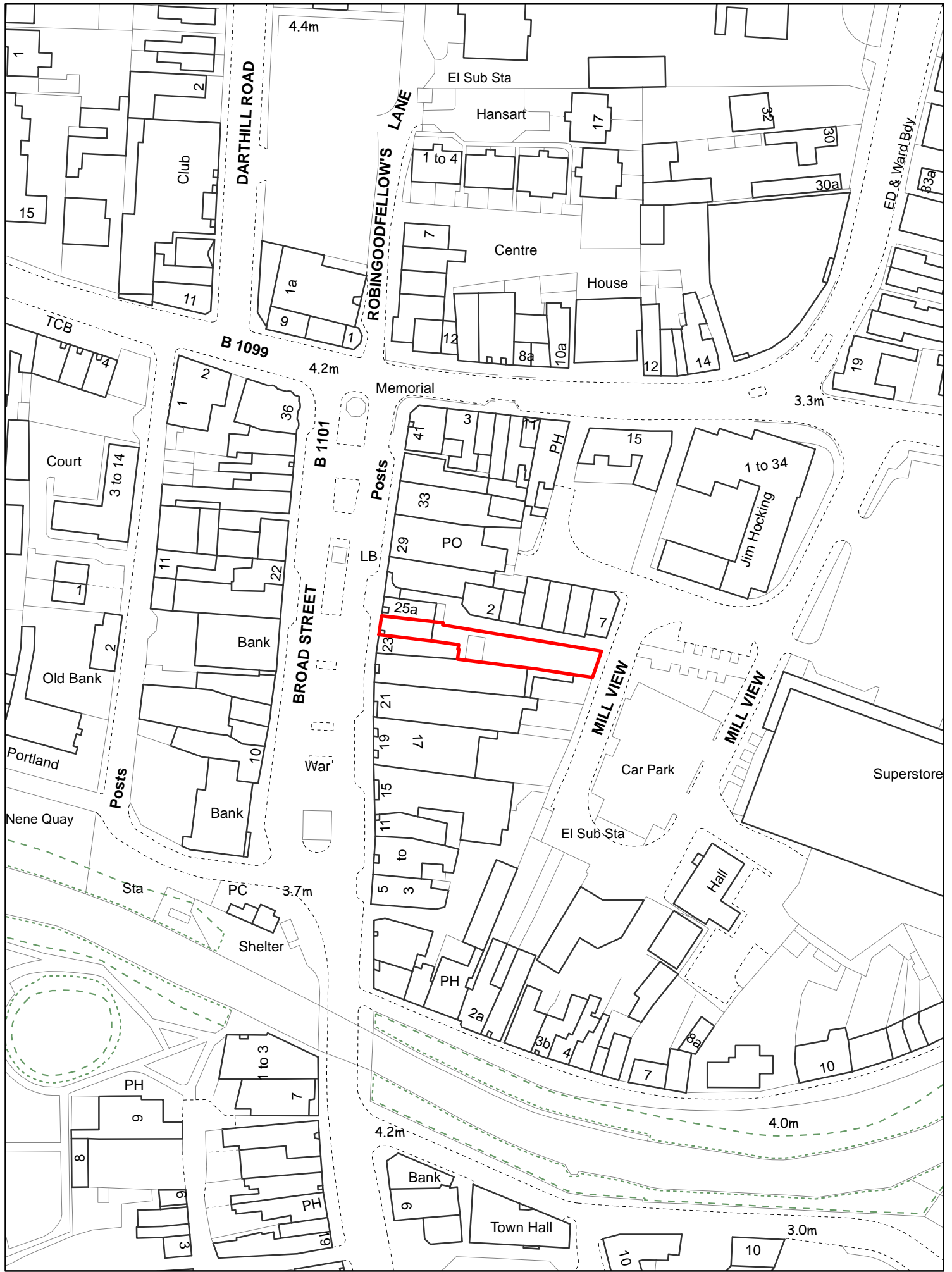
Therefore, in light of the above Officers consider that the proposal will have a detrimental impact on the health of the main shopping core in March and should be refused in line with Policy S3 of the Local Plan.

## **6. RECOMMENDATION**

### **REFUSE**

- 1. The proposal is contrary to Policy S3 of the Fenland District Wide Local Plan 1993 in that the loss of a further retail unit in the Primary Shopping Area for March would detrimentally affect the vitality and viability of March Town Centre**

2. **It has not been demonstrated that the proposed extraction flue on the rear elevation of 25 Broad Street, March, is adequate to ensure that there is no noise or odour nuisance to the residents of the adjoining flats. Therefore, the proposal is contrary to Policy E8 of the Fenland District Wide Local Plan 1993 in that it does not have regard for the amenities of adjoining residential occupiers.**



Created on: 17/02/2012

© Crown Copyright and database rights 2012 Ordnance Survey 10023778

F/YR12/0095/F

Scale = 1:1,250

N

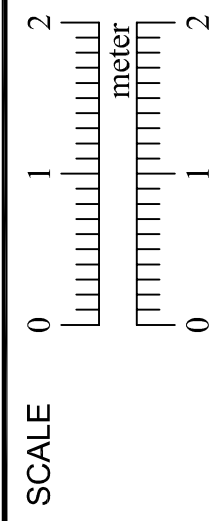
 Fenland  
CAMBRIDGESHIRE

 Fenland District Council



DO NOT SCALE  
All dimensions to be checked on site.

© Copyright belongs to B&M Maintenance Ltd.



NOTES:

REVISIONS:

PLANNING

Project	25 BROAD STREET - PE15 8TG
Draw. no	LO (PL) 020
Title	PROPOSED & EXISTING REAR ELEVATION
Scale	1/25@A1 - 1/50@A3
Date	25.10.2011

